

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAWAD QUASSANI,

Defendant.

Case No. 2:11-cr-00409-LRH-CWH

**ORDER**

Presently before the Court is the government's motion to unseal record (ECF No. 157), filed on November 11, 2016. Defendant filed a response (ECF No. 159) on November 29, 2016, and the government filed a reply (ECF No. 160) on November 30, 2016.

The government requests that the Court unseal the transcript of the hearing (ECF No. 141) held on June 14, 2013. The government argues that this hearing, which was held regarding Defendant's motion to withdraw as attorney (ECF No. 52), likely contains information relevant to the upcoming evidentiary hearing set for Defendant's pending § 2255 petition, in which Defendant alleges a conflict of interest between himself and his trial counsel, Peter S. Christiansen. The transcript of this hearing was originally sealed to protect the privileged communications between Defendant and Christiansen. However, the Court has determined that Defendant has waived that privilege for purposes of the upcoming evidentiary hearing.

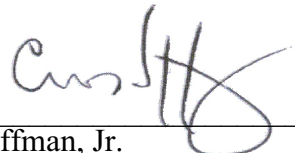
Defendant opposes the motion, arguing that unsealing the transcript in its entirety would go beyond what is necessary to litigate the § 2255 petition, and is therefore impermissible under *Bittaker v. Woodford*, 331 F.3d 715 (9th Cir. 2003) (holding that courts should not allow a waiver of the use of privileged communications for adjudication of ineffective assistance claims beyond what is necessary to litigate those claims).

However, upon review of the transcript, the entirety of the hearing is relevant to claims of ineffective counsel and conflict of interest. Defendant's objections based on *Bittaker* are therefore

1 not applicable.

2 IT IS THEREFORE ORDERED that the government's motion to unseal record (ECF No.  
3 157) is GRANTED. The Clerk of Court shall unseal the transcript (ECF No. 141) of the hearing.

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5 DATED: December 7, 2016.

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C.W. Hoffman, Jr.  
United States Magistrate Judge